

REMARKS/ARGUMENTS

Minor changes are made to this specification. Claim 15 is canceled without prejudice. Claim 9 is amended. Claims 1-6, 9, 10, and 12-14 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is moot due to the cancellation of claim 15.

It is noted with appreciation that claims 1-6 are allowed.

Claims 9-10, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by McCulloch et al. (EP 351 988 A2). This rejection is respectfully traversed.

Claim 9 has been amended to include the limitation of "...gripper mechanism having gripping jaws for engagement with the two outer sides of said reagent pack..." McCulloch does not anticipate the amended claim 9 because he has no teaching whatsoever of a gripper mechanism with gripping jaws, much less of a gripper mechanism, in which gripping jaws grip a reagent pack from the sides. Instead, McCulloch describes a microtitre plate carrier transfer mechanism comprising a fork 20 that slides under a plate carrier in order to retrieve it from or place it into various operational stations of the apparatus (column 3, lines 23-27).

Claim 9 is not obvious in view of McCulloch. As explained on page 10 (lines 8-21 and lines 29-31) and page 12, lines 3-15, of the present invention, the engagement of the outer sides of a reagent pack by the gripping jaws provides a number of advantages. Some of the advantages include an increase in the tolerance of the gripper to a misalignment of a reagent pack, an improvement of the precision in the orientation of the reagent pack during transportation, and a simplification of the retrieval of the reagent pack. For example, because in the present invention a reagent pack is picked as a result of the compression of the gripping jaws against its sides, the compression of the gripping jaws forces a misaligned reagent pack into a proper position (page 10, lines 16-21).

Nothing in McCulloch teaches or suggests gripping jaws engaging sides of a reaction pack. Instead, as discussed above, McCulloch, describes a transfer mechanism with a fork that slides under a plate carrier. The retrieved plate carrier is firmly secured on the top of the fork by an engagement between grooves on the bottom of the plate carrier and the complementary formations on the fork (column 4, lines 50-55). Such a construction cannot tolerate any misalignment of the plate relative to the fork.

Since unexpected results, such as an increase in the tolerance of the gripper to a misalignment of a reagent pack, have been achieved in the present invention by utilizing gripping jaws that engage sides of a reaction pack, the mere description of another transfer mechanism with a different configuration would not have made the present invention obvious. Therefore, nothing in McCulloch would have motivated one skilled in the art to arrive at a transporting and storing system of the instant claim 9. Therefore, claim 9 is neither anticipated nor rendered obvious by McCulloch. Claims 10 and 12 depend from patentable claim 9 and are, therefore, patentable for at least the same reasons as claim 9.

Claims 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCulloch. This rejection is moot with respect to claim 15 due to the cancellation of the claim. With respect to claims 13 and 14, the rejection is respectfully traversed.

As discussed above, claim 9 is neither anticipated nor rendered obvious by McCulloch. Claims 13 and 14 depend from patentable claim 9 and are, therefore, patentable for at least the same reasons as claim 9.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los

Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
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